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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,696	06/28/2000	Angus O. Dougherty	1759CIP/USW0577 PUS	6861
22193	7590	07/27/2006	EXAMINER	
QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202			SHAND, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/605,696	Applicant(s) DOUGHERTY ET AL.	
	Examiner Roberta A. Shand	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. In view of the Appeal Brief filed on January 24, 2005, PROSECUTION IS HEREBY REOPENED.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:
3. (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
4. (2) request reinstatement of the appeal.
5. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-14, 16, 17, 20-24, 26-29, 31, 32, 35-40, 42 and 43, are rejected under 35 U.S.C. 102(e) as being anticipated by Chambers (U.S. 5867485).

3. Regarding claim 10, Chambers teaches (fig. 1) a method of distributing high-speed information packets to at least one subscriber unit (16), each information packet associated with an information channel (col. 3, line 41 – 52), comprising routing each information packet through a distributed network of routing elements (14) in wireless communication with at least one other routing element (14) in the network of routing elements (14); receiving each information packet in a distribution center (10) in communication with the distributed network of routing elements (14); forwarding each information packet to each subscriber unit (16) in communication with the distribution center (10) and requesting the information channel of which the information packet is associated (col. 5, line 10 – 35).

4. Regarding claims 11 and 37, Chambers teaches (abstract) the packets contain video information.

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5. Regarding claim 12, Chambers teaches (fig 1) routing each information packet through a distributed network of distribution points; and transmitting each information packet to an access point operative to communicate with a plurality of subscriber units.

6. Regarding claims 13 and 39, Chambers teaches (col. 4, line 64 – col. 5, line 9) at least one distribution point is operating as a distribution center.

7. Regarding claims 14 and 40, Chambers teaches (col. 4, line 64 – col. 5, line 9) at least one access point is operating as a distribution center.

8. Regarding claims 16 and 42, Chambers teaches (col. 3, lines 10-28) receiving a request from a subscriber unit comprises determining that the requesting subscriber unit is within the coverage area of a distribution center.

9. Regarding claims 17 and 43, Chambers teaches (col. 5, lines 12-35) receiving a request from a subscriber unit comprises receiving a message from a subscriber unit. It is inherent in Chambers' video request that a message is sent to the headend control office requesting video.

10. Regarding claims 20-22, Chambers (fig. 1) a system for providing high-speed packetized information comprising a distributed routing network, the distributed routing network comprising a plurality of distribution points (14) in radio contact with at least one other distribution point (10) in the plurality of distribution points (14), at least one distribution point

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(14) comprising at least one HDT (col. 3, line 29-41) for converting (abstract) packets to an optical format and forwarding the packets to subscriber units (16).

11. Regarding claim 23, Chambers teaches (fig 1) at least one subscriber unit (16) is in communication with the at least one access point (10) through a network interface device.

12. Regarding claim 24, Chamber teaches (fig. 1) at least one access point (10) functions as a video distribution center.

13. Regarding claim 26, Chamber teaches (abstract) the information includes video information.

14. Regarding claim 27, Chambers (fig. 1) at least one distribution point (10) functions as a video distribution center.

15. Regarding claim 28, Chambers teaches (fig. 1) a system for providing packetized video information to a plurality of subscriber unit (16) comprising a distributed routing network, the distributed routing network comprising a plurality of distribution points (14), each distribution point (14) in radio contact with at least one other distribution point (14), at least one other distribution points functioning as a video distribution center (col. 4, line 64 – col. 5, line 9).

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16. Regarding claim 29, Chambers teaches (col. 4, line 64 – col. 5, line 9) at least one of the distribution points (14) is operative to receive requests for video content from at least one subscriber (16) unit and forward the requests to at least one video supplier (10).

17. Regarding claim 31, Chambers teaches (fig. 1 and col. 4, line 64 – col. 5, line 9) a system for providing packetized video information to a plurality of subscriber units (16) comprising: a distributed routing network, comprising a plurality of distribution points (14), each distribution point in radio contact with at least one other distribution point (14); and at least one access point in communication with the distribution routing network functioning as a video distribution center (10).

18. Regarding claim 32, Chambers teaches (col. 4, line 64 – col. 5, line 9) at least one of the access points (14) is operative to receive requests for video content from at least one subscriber (16) unit and forward the requests to at least one video supplier (10).

19. Regarding claim 35, Chambers teaches (fig. 1 and 2) receive a video information packet from at least one video supplier (10); determining if the received video packet corresponds to a video channel requested by more than one subscriber unit (16); and forward the video packet to each subscriber unit (16) requesting the video channel.

20. Regarding claim 36, Chambers teaches (fig. 1) a system for distributing high-speed information packets to at least one subscriber unit (16), each information packet associated with an information channel, comprising: a distributing network of routing elements (14) for routing

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each information packet, in wireless communication with at least one other routing element in the network; and at least one distribution center (10) in communication with the distributed network of routing elements (14) and with at least one subscriber unit (16), each distribution center (10) forwarding each information packet to each subscriber unit requesting the information channel associated with each information packet (col. 4, line 64 – column 5, line 9).

21. Regarding claim 38, Chambers teaches (fig. 1 and col. 4, line 64 – column 5, line 9) the distributed network of routing elements comprising: a distributed network of distribution points (14) operative to route each information packet; and at least one access point (14) operative to communicate with a plurality of subscriber units (16).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

24. Claims 15, 30, 33, 34, 41 and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers in view of Matsuda (U.S. 5794116).

25. Regarding claim 15, Chambers teaches (col. 5, lines 12-35) receiving a request from a subscriber unit to access an information channel;

26. Chambers does not teach requesting transmission of the requested information channel if no other subscriber unit is receiving the requested information channel; and noting that the requesting subscriber unit is receiving the requested information channel.

27. Matsuda teaches (fig. 7 and col. 11, lines 9-35) requesting transmission of the requested information channel if no other subscriber unit is receiving the requested information channel (free channel); and noting that the requesting subscriber unit is receiving the requested information channel (fig. 4, 414). It would have been obvious to one of ordinary skill in the art to adapt this to Chambers' system to avoid interruption within the system.

28. Regarding claims 30 and 33, Matsuda teaches (fig. 4) at least one distribution center forwards video information packets comprising a video channel (414) to each subscriber unit served by the video distribution center requesting the video channel.

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29. Regarding claim 34, Chambers teaches (col. 4, line 64 – col. 5, line 9) at least one access point (14) is operative to receive a request to access a video channel from a subscriber unit (16).

30. Chambers does not explicitly teach determine if the requested video channel is currently being accessed by another subscriber unit served by the access point; and if the requested video channel is not currently being accessed by another subscriber unit served by the access point, forwarding the request to a video supplier.

31. Matsuda teaches (fig. 7 and col. 11, lines 9-35) determine if the requested video channel is currently being accessed by another subscriber unit served by the access point; and if the requested video channel is not currently being accessed by another subscriber unit served by the access point, forwarding the request to a video supplier. It would have been obvious to one of ordinary skill in the art to adapt this to Chambers' system to avoid interruption within the system.

32. Regarding claims 41 and 45, Chambers teaches (fig 1) the at least one distribution center (10) receives a request from a subscriber unit (16) to access an information channel.

36. Chambers does not explicitly teach request transmission of the requested information channel if no other subscriber unit is receiving the requested information channel.

34. Matsuda teaches (fig. 7 and col. 11, lines 9-35) request transmission of the requested information channel if no other subscriber unit is receiving the requested information channel. It would have been obvious to one of ordinary skill in the art to adapt this to Chambers' system to avoid interruption within the system.

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35. Claims 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers in view of Matsuda (U.S. 5794116) and further in view of the admitted prior art.

36. Regarding claims 25, Chambers nor Matsuda do not teach VDSL service,

37. The admitted prior art teaches VDSL. It would have been obvious to one of ordinary skill in the art to adapt this to Chambers and Matsuda's system as it is well known in the art by admission of the Applicant.

38. Claims 18, 19, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamber in view of Matsuda and further in view of Moriarty (U.S. 6052744).

39. Regarding claims 18 and 44 Chambers and Matsuda do not teach transmitting a dummy address as the destination for the requested transmission of the required information channel.

40. Moriarty teaches (col. 19, lines 53-67) transmitting a dummy address as the destination for the requested transmission of the required information channel. It would have been obvious to one of ordinary skill in the art at the time this invention was made to adapt to Chambers and Matsuda's system Moriarty's dummy address because it can be quickly discarded from the system.

41. Regarding claims 19 and 46 Matsuda teaches (fig. 7 and col. 11, lines 9-35)) determining that a subscriber unit is no longer accessing the information channel; canceling transmission of

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the information channel if no other subscriber unit is receiving the information channel; and noting that the subscriber unit is no longer receiving the information channel.

Conclusion

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Shand
Examiner
Art Unit 2616



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